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ORNELLAS, MANUEL LOPEZ,
TERRENCE DERMODY, SHERYLE
SPARKS, JOSEPH CHELLI, HILARY
SILVER, M.D., ROBERT WINKLER, AND
MARCHELL SMITH, EDWARD ALLUM,
ALICIA BAYLOR, MARYCORRINE
GILES, TAMOUR MALAK, M.D., WENDY
MOORE, MERLY SUMURAGA, DIANE
TAYLOR, LINDY TURNER, and LINDA
VALADEZ

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RAMIRO REYES, DOLORES REYES, and)
DESIREE REYES,)

Plaintiffs,)

vs.)

COUNTY OF SAN JOAQUIN, DARIO)
MORENGO, STEVE GUTIERREZ,)
VICTOR MOW, JACK SIGLOCK, LEROY)
ORNELLAS, MANUEL LOPEZ,)
TERRANCE DERMODY, SHERYL)
SPARKS, EDWARD ALLUM, JOSEPH)
CHELLI, LINDA VALADEZ, TAMMIE)
GILES, DIANE TAYLOR, ALICIA)
BAYLOR, ROBERT WINKLER, WENDY)
MOORE, MARCELL SMITH, LINDA)
TURNER, M. SUMURAGA, TAYMOUR E.)
MALAK, M.D., HILARY SILVER, M.D.,)

Defendants.)

Case No. CIV.S-04-0428 FCD PAN - PS

CORRECTED RE-NOTICE OF MOTION
TO DISMISS FOR FAILURE TO STATE A
CLAIM UPON WHICH RELIEF CAN BE
GRANTED (Fed.R.Civ.P. 12(b)(6)),
AND
SETTING FOR HEARING AND ORAL
ARGUMENTS

Date: **July 6, 2005**

Time: 9:00 a.m.

Courtroom No.: 25 - Eighth Floor

Judge Peter A. Nowinski

CORRECTED RE-NOTICE OF MOTION TO DISMISS (Fed.R.Civ.P. 12(b)(6)), AND
SETTING FOR HEARING AND ORAL ARGUMENTS

1 hearing in November of 2004, the Memorandum of Points and Authorities and the Request for Judicial
2 Notice with, attached exhibits, for that initial Motion, and upon the Joinder in that Motion by the Joining
3 Defendants, the Memorandum of Points and Authorities of Additional Grounds and 2nd Request for
4 Judicial Notice for that Joinder of Motion, and upon the pleadings and papers in the Court's file in the
5 instant matter, and such matters as may be adduced before or at the time of hearing in this matter.

6 This Re-Notice of Motion is submitted at the oral direction of the Court's Deputy Clerk
7 following the Joining Defendant's request that a hearing and oral arguments be set in this matter.

8 Dated: May 31, 2005

Respectfully Submitted,
CASSEL MALM FAGUNDES

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11 By: /x/ Floyd Cranmore
Joseph H. Fagundes
Floyd Cranmore
12 Attorneys for Defendants
COUNTY OF SAN JOAQUIN, DARIO
13 MARENCO, STEVE GUTIERREZ, VICTOR
MOW, JACK SIEGLOCK, LEROY
14 ORNELLAS, MANUEL LOPEZ, TERRENCE
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15 CHELLI, HILARY SILVER, M.D., ROBERT
WINKLER, AND MARCHELL SMITH,
16 EDWARD ALLUM, ALICIA BAYLOR,
MARYCORRINE GILES, TAMOUR MALAK,
17 M.D., WENDY MOORE, MERLY
SUMURAGA, DIANE TAYLOR, LINDY
18 TURNER, and LINDA VALADEZ
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PROOF OF SERVICE BY MAIL
OR BY OVERNIGHT UNITED PARCEL SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN

I am employed in the County of San Joaquin, State of California. I am over the age of 18 and not a party to the within action. My business address is 6 El Dorado South, Suite 601, Stockton, CA 95202.

On June 3, 2005, I served the following:

RE-NOTICE OF MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED (Fed.R.Civ.P. 12(b)(6)) AND SETTING FOR HEARING AND ORAL ARGUMENTS

X By enclosing a true copy thereof in an appropriate sealed envelope, addressed to each interested party as stated on the attached mailing list.

BY MAIL:

 I deposited each such sealed envelope, with postage thereon fully prepaid, in the United States mail at Stockton, California.

X Pursuant to ordinary business practice, I caused said envelope to be collected and placed for deposit in the United States Postal Service at Stockton, California. I am readily familiar with the firm's practice for the collection and processing of correspondence for mailing. It is collected and deposited with the United States Postal Service, with postage thereon fully prepaid, on the same day in the ordinary course of business.

BY UNITED PARCEL SERVICE:

 I deposited each sealed United Parcel Service envelope for overnight delivery, with United Parcel Service delivery fees fully prepaid or provided for, in a United Parcel depository at Stockton, California.

Executed on June 3, 2005, at Stockton, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/s/Rhoda Thomas
RHODA THOMAS

CORRECTED RE-NOTICE OF MOTION TO DISMISS (Fed.R.Civ.P. 12(b)(6)), AND SETTING FOR HEARING AND ORAL ARGUMENTS

RAMIRO REYES, et al. v. COUNTY OF SAN JOAQUIN, et al.
United States District Court, Eastern District of California
Case No. CIV.S-04-0428 FCD PAN -PS

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